

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DECISION AND ORDER
03-CR-0062A

JOSEPH DETTELIS,

Defendant.

Defendant Joseph Dettelis, who is proceeding *pro se* and *in forma pauperis* in this criminal matter, is currently appealing his conviction and sentence. He has requested that transcripts of all trial proceedings including jury selection, opening and closing arguments. He has also requested transcripts for various pretrial conferences, scheduling conferences and pretrial hearings.

Pursuant to 28 U.S.C. § 753(f), fees for transcripts furnished in criminal proceedings to persons proceeding under the CJA or on appeal *in forma pauperis*, shall be paid by the United States out of money appropriated for that purpose. However, absent prior special authorization, "trial transcripts" shall exclude "prosecution and defense opening statements,

prosecution argument, defense argument, prosecution rebuttal, voir dire and jury instructions." See Guide to Judiciary Policies and Procedures, Vol. VI, § 13.5.

The defendant has not made a request for special authorization for the preparation of opening and closing arguments or for jury selection, nor is it apparent to the Court why such transcripts would be necessary to perfect the defendant's appeal. Similarly, it is not apparent to the Court why the defendant would need transcripts of pretrial conferences, scheduling conferences or pretrial hearings. The defendant has failed to offer the Court any reason why such transcripts are required. It is the Judicial Conference Policy that

[A] substantial number of criminal appeals can be fairly conducted without a full transcript of all testimony and proceedings. . . All counsel should be required to exhaust all efforts to perfect appeals without full trial transcripts, by use of such traditional devices as preparation of limited transcripts, and preparation of an agreed statement of other summary of evidence."

Id. at § 13.3.

Accordingly, the Court hereby denies the defendant's request for transcripts of pretrial proceedings, scheduling conferences and pretrial hearings. The Court approves defendant's request for trial transcripts,

excluding the prosecution and defense opening statements, the prosecution and defense arguments, the prosecution rebuttal, voir dire and jury instructions.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: September 11, 2006